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Security Council

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Letter dated 22 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1518 (2003) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1518 (2003) (see annex), containing an account of the Committee's activities from 1 January to 31 December 2009. The report, which was adopted by the Committee on 21 December 2009, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Michel **Kafando**
Chairman
Security Council Committee established pursuant to
resolution 1518 (2003)

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Annex

Annual report of the Security Council Committee established pursuant to resolution 1518 (2003)

1. The present report of the Security Council Committee established pursuant to resolution 1518 (2003) covers the period from 1 January to 31 December 2009.

2. The previous report of the Committee, submitted to the Security Council on 3 February 2009 (S/2009/79), covered the period from 1 January to 31 December 2008.

3. For 2009, the Committee's bureau consisted of Michel Kafando (Burkina Faso) as Chairman and the delegation of Japan as Vice-Chairman (S/2009/2).

4. The Committee was established by Security Council resolution 1518 (2003) of 24 November 2003 to continue to identify, in accordance with paragraphs 19 and 23 of resolution 1483 (2003), individuals and entities whose funds, other financial assets and economic resources should be frozen and transferred to the Development Fund for Iraq. According to paragraph 23 of resolution 1483 (2003), the freeze and transfer apply to funds, other financial assets and economic resources of individuals and entities associated with the former Iraqi regime, i.e. funds, other financial assets and economic resources removed from Iraq or acquired by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction; as well as to funds, other financial assets and economic resources of the previous Government of Iraq or its State bodies, corporations, or agencies, located outside Iraq.

5. The Committee's list of individuals established pursuant to resolution 1483 (2003) currently contains 89 names; the Committee's list of entities established pursuant to the same resolution contains 208 names.

6. Although the Committee did not hold any meetings in 2009, it continued to consider relevant issues brought to its attention. In particular, the Committee considered a communication from the Permanent Mission of Switzerland concerning the implementation of relevant Security Council resolutions in Switzerland, in particular with regard to one individual and two entities included in the Committee's lists. The Chairman also received a letter from the Permanent Mission of Germany concerning matters related to the Security Council Committee established pursuant to resolution 661 (1990) and terminated pursuant to paragraph 19 of resolution 1483 (2003) which was referred to the Secretariat, given that the subject matter was outside the competence of the Committee.

7. Several issues brought to the Committee's attention in 2007 remained pending in 2009 and continue to be under the Committee's consideration. The Chairman has, however, undertaken consultations with the relevant Committee members with a view to resolving these outstanding matters and, on the basis of these consultations, he is hopeful that this can be achieved early in 2010.

8. The assets-freeze and transfer list for individuals and assets-freeze and transfer list for entities are available at the Committee's website, http://www.un.org/sc/committees/1518/index.shtml.

Observations

9. The Committee wishes to recall that the Security Council also decided, in resolution 1518 (2003), that the mandate of the Committee would be kept under review, and that the Council would consider authorizing the Committee to undertake the additional task of observing Member States' fulfilment of their obligations in connection with the arms embargo on Iraq as reaffirmed in paragraph 10 of resolution 1483 (2003). To date, the Committee has not been authorized to undertake any additional tasks in this regard.

10. This means that the remaining prohibitions on the supply of arms to Iraq (which excludes arms and related materiel required by the Government of Iraq) are not currently accompanied by a Security Council mechanism, such as a Security Council committee or a monitoring mechanism with a mandate to oversee implementation of these particular measures.

11. The Council may wish to consider revisiting the issue of the Committee's mandate in the light of these facts, and in the light of the changing circumstances in Iraq. In this connection, the Committee would also like to recall that the Security Council, in its resolution 1546 (2004), stressed the importance for all States to abide strictly by the remaining measures and called upon the Government of Iraq to ensure that appropriate implementation procedures are in place.